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9 *Attorneys for Defendants Zurich American*
10 *Insurance Company and Zurich American*
11 *Insurance Company of Illinois*

12 **UNITED STATES DISTRICT COURT**
13 **IN AND FOR THE DISTRICT OF ARIZONA**

14 MARTHA TAYLOR on behalf of the
15 ESTATE OF STEVEN THOMSON,
16 THOMAS THOMSON, and KAYCI
17 THOMSON,

18 Plaintiffs,

19 v.

20 ZURICH AMERICAN INSURANCE
21 COMPANY, and ZURICH AMERICAN
22 INSURANCE COMPANY OF ILLINOIS,

23 Defendants.

Case Number:

NOTICE OF REMOVAL

24 Pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, and 29 U.S.C. §§ 1001-1461,
25 and LRCiv 3.7, Defendants Zurich American Insurance Company (“Zurich”) and Zurich
26 American Insurance Company of Illinois (“Zurich of Illinois”) hereby remove to this Court
27 the above-captioned state court civil action (CV2011-00772) pending in the Mohave County,
28 Arizona Superior Court. Removal is proper on the following grounds:

1. On May 11, 2011, Plaintiffs Martha Taylor, on behalf of the Estate of Steven Thomson, Thomas Thomson, and Kayci Thomson filed a Complaint against Zurich and Zurich of Illinois in the Mohave County, Arizona Superior Court, Case No. CV201100772.

2. On June 10, 2011, Plaintiffs served Zurich's statutory agent, the Arizona Department of Insurance, with a Summons directed to Zurich, only; a copy of the Complaint; and a copy of the Certificate Re: Compulsory Arbitration. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Complaint; Summons issued for service on Zurich, only; and Certificate Re: Compulsory Arbitration served on Zurich via the Arizona Department of Insurance, are attached hereto as **Exhibit A**. Zurich of Illinois has not received copies of a Summons, Complaint, and a copy of the Certificate Re: Compulsory Arbitration, although Plaintiffs have caused to be filed with the Court an Affidavit of Service stating that Zurich of Illinois was so served on June 10, 2011. Plaintiffs' Affidavits of Service, filed with the Mohave County, Arizona, Superior Court on June 20, 2011, are attached hereto as **Exhibit B**. Copies of the Exhibits to the Complaint, which were *not* served on Zurich or Zurich of Illinois, are attached hereto as **Exhibit C**.

3. As alleged in paragraph 1 of the Complaint, Plaintiff Martha Taylor is a resident of the State of Arizona. *See* Exhibit A, ¶ 1.

4. As alleged in paragraph 2 of the Complaint, Plaintiff Thomas Thomson is a resident of the State of Arizona. *See* Exhibit A at ¶ 2.

5. As alleged in paragraph 3 of the Complaint, Plaintiff Kayci Thomson is a resident of the State of California. *See* Exhibit A at ¶ 3.

6. Zurich is a corporation organized under the laws of the State of New York with its principal place of business in the State of Illinois.

7. Zurich American Insurance Company of Illinois is a corporation organized under the laws of the State of Illinois with its principal place of business in the State of Illinois.

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1) because complete diversity of citizenship exists between Plaintiffs and Defendants and the amount in controversy, as alleged in the Complaint, exceeds \$75,000, exclusive of interest and costs. *See* Exhibit A at ¶¶ 20, 21, 64, and 65.

CERTIFICATE OF SERVICE

I hereby certify that on July 8th 2011, the foregoing NOTICE OF REMOVAL was filed electronically. A copy of the foregoing is being sent on this 8th day of July, 2011, via first-class mail, postage prepaid to:

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s/ Kathryn Fitchett